

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

RICHARD VILLANUEVA
formerly known as (Richard Zebrowski)
1358014

VERSUS

5:15-07412

Joe Coakley(warden)
J.James(Correctional Officer)

COMPLAINT

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts in this action or otherwisw relating to your imprisonment?

Yes ____ No ✓

II. Place of Present Confinement: F.C.I. Beckley, Beaver West Virginia 25813

A. Is there a prisoner grievance procedure in this institution?

Yes ☒ No ☐

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ☒ No ☐

C. If you answer is Yes:

1. What steps did you take? I presented my claim and evidence to the institution. It was denied.

2. What was the result? There was nothing done about it and therefore I am being effected by such.

III. Parties

A. Name of Plaintiff : Richard Villanueva 13518014

Address: FCI Beckley, P.O. Box 350 Beaver West Virginia 25813

B. Additional Plaintiff(s) and Address(es): N/A

C. Defendant: Joe Coakley
is employed as: Warden

Additional defendants: J. James

Employed as C/O

IV. Statement of Claim

On or about July 7, 2013, staff was conducting an upper body search of inmates, due to a disturbance in recreation. Upon exiting recreation, inmates were ordered to remove their shirts. Defendant James called Plaintiff over. Instead of the body search, defendant James focused on my religious necklace. This is the second time this has occurred. Defendant James asked were I got the necklace, and I told defendant James I purchased it from another institution and I stated to defendant James, under the the freedom of religion act of the constitution, and BOP policy, I am allowed to have the necklace and medicine bag. Defendant James instructed Plaintiff to hand over the necklace, in which plaintiff complied. After plaintiff complied with defendant James order, defendant James then ordered plaintiff to head to the lieutenant's office. Defendant James then stated that he did not believe the necklace was part of my religion, only the medicine bag attached to it. I then asked defendant James if I may mail the confiscated items home. Defendant James then called Chaplain Highley, Chaplain Highley discussed the issue. Defendant James stepped into his office and the plaintiff asked Chaplain Highley if plaintiff may send religious material home. Chaplain Highley stated he did not see why not. When defendant James returned, Chaplain Highley asked if plaintiff may be allowed to send the religious materials home. Defendant James told plaintiff to come see him tomorrow. Plaintiff then asked for a confiscation form, and defendant James replied, come see me tomorrow.

Statement of Claim cont.

On July 10, 2013, at 2:15 p.m., plaintiff was called to the lieutenant's office to receive an incident report for communicating gang affiliation, participating in gang related activities, possession of paraphernalia, and indicating gang affiliation. As exhibits to come, the court and even a blind person if read the events that have occurred, will see the unjust that has happened. Plaintiff exhausted his remedies in appealing the incident report in regards to the religious articles, and was exonerated of any gang affiliation that had to do with the necklace, only to be given another incident report for refusing an order of any staff. This incident arrived from the first incident. As exhibits to come, the plaintiff was never given an order, only an opportunity. The plaintiff was never given the necklace back, after he was exonerated of the first incident report seeing it was taken on the contents of it being gang affiliated. Defendant James claims because the necklace is contraband, plaintiff can not have it. The plaintiff told the defendant that in fact the necklace is not contraband as stated on the confiscation report or BOP policy statement it states Plaintiff should be allowed to send it home. Plaintiff also stated that seeing plaintiff was allowed to purchase the necklace through a special BOP approved vendor and allowed to enter FCI Beckley, and on the BOP sentry as a Native-American in regards to the meaning of beads, plaintiff is allowed to have religious materials mailed home.

Statement of Claim Cont.

Plaintiff spoke to the defendant Joe Coakley on or about Decemeber 1, 2014. Defendant Coakley told plaintiff to send a written request. Plaintiff did so and defendant Coakley replied to the request with evidence to show a receipt for the purchased necklace, and photos of plaintiff in another institution where the necklace was purchased. As stated in defendant's reports, the necklace did not meet the criteria of a religious necklace. It has been classified as gang related paraphernalia that is contraband. Contraband is to be destroyed, not mailed home. The plaintiff has been exonerated of his incident report for such false accusations and is still being denied religious necklace and medicine bag.

V. Relief

Plaintiff ask that this honorable court make an injunction to order that plaintiff be allowed to mail religious necklace and medicine bag home, or be compensated in the sum of Fifty Thousand Dollars(\$50,000.00) by both defendants for the theft of plaintiff's religious necklace and medicine bag, as well as for the harm of not allowing plaintiff to practice his religious beliefs or move to a jury trial.

Signed this 6 day of 2, 2015

Villanueva A. Richard
Signature of Plaintiff

I declare under the penalty of perjury that the foregoing is true
and correct.

Executed on 6-2-15
(Date)

Villanueva A. Richard
Signature of Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing Motion has been mailed via first class pre-paid U.S. Mail this 1st day of June, 2015, to the following party: Joe Coakley, Warden, FCI Beckley, P.O. Box 1280, Beaver, WV 25813.

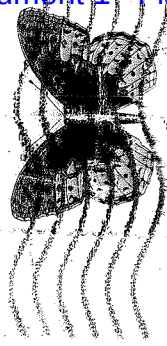
Respectfully submitted,


RICHARD VILLANUEVA
PRO SE

Viparveda Retard 135/80/14
Federal Correctional Institution
PO Box 350 Braintree 25813

CHARLESTON WV 25303

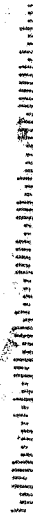
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The Clerk of the Court
Southern District of W. Va.
110 N Herber St
Beckley, WV 25801

Legal Mail

25801455244



FEDERAL CORRECTIONAL INSTITUTION

BECKLEY

BEAVER, WV 25813

DATE

6-3-15

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SPECIAL MAILING PROCEDURES FOR FORWARDING TO
YOU. THE LETTER HAS BEEN NEITHER OPENED NOR
INSPECTED. IF THE WRITER RAISES A QUESTION OR
PROVIDES INFORMATION WHICH THIS FACILITY HAS JURIS-
DICTION OVER, YOU MAY WISH TO RETURN THE MATERIAL
TO THE WRITER FOR INFORMATION OR CLARIFICATION. IF
YOU WISH TO RETURN THE MATERIAL, PLEASE
RETURN THE ENCLOSED TO THE ABOVE ADDRESS.**